

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

W.R. GRACE & CO., *et al.*,

Debtor.

Chapter 11

Case No. 01-01139 (JKF)

Jointly Administered

Ref. No. 26193

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Fed. R. Bankr. P. 8006 and Del. Bankr. L.R. 8001-1, claimants injured by exposure to asbestos from the Debtors' operations in Lincoln County, Montana (the "Libby Claimants"),¹ hereby submit their Designation of Items to be Included in the Record on Appeal, in their appeal from this Court's Order dated January 22, 2011 Approving the Settlement Agreement Between W. R. Grace & Co. and the CNA Companies [Docket No. 26106].

Designation of Items to be Included in the Record on Appeal:

<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
02/27/09	20872	Amended Chapter 11 Plan /First Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code of W. R. Grace & Co., et al., The Official Committee of Asbestos Personal Injury Claimants, The Asbestos PI Future Claimants Representative, and The Official Committee of Equity Security Holders Dated February 27, 2009
01/22/2010	24180	Transcript Regarding Hearing Held on January 4, 2010 on Plan Confirmation
04/22/2010	24657	Amended Chapter 11 Plan of Reorganization Under Chapter 11 of the Bankruptcy Code of W.R. Grace & Co., et al., the Official Committee of Asbestos Personal Injury Claimants, the Asbestos PI Future Claimants' Representative, and the Official Committee of Equity

¹ As identified in the Amended and Restated Verified Statement of Cohn Whitesell & Goldberg LLP and Landis Rath & Cobb LLP Pursuant to Fed. R. Bankr. P. 2019 {Docket No. 21365}, as it may be amended and restated from time to time.


<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
		Security Holders as Modified Through March 19, 2010
11/18/2010	25776	Motion to Approve Compromise under Rule 9010/Motion Pursuant to Sections 105, 363, 1107 and 1108 of the Bankruptcy Code and Rules 2002, 6004, 9014 and 9019 of the Federal Rules of Bankruptcy Procedure for an Order Approving the Settlement Agreement Between W.R. Grace & Co. and the CNA Companies
12/08/2010	25881	Notice of Service of Notice of Fifth Set of Modifications to Joint Plan of Reorganization
12/16/2010	25931	Notice of Service Notice of Sixth Modification to Joint Plan of Reorganization
12/23/2010	25954	Objection of BNSF Railway Company to Debtors Motion Pursuant to Sections 105, 363, 1107 and 1108 of the Bankruptcy Code and Rules 2002, 6004, 9014, and 9019 of the Federal Rules of Bankruptcy Procedure for an Order Approving the Settlement Between W.R. Grace & Co. and The CNA Companies
12/23/2010	25955	Objection to Debtors' Motion to Approve Settlement with the CNA Companies
01/03/2011	25997	Motion for Leave to File Reply to Objections of the Libby Claimants and BNSF Railway to Debtors' Motion for an Order Approving the Settlement with the CNA Companies
01/03/2011	25998	Motion for Leave -- CNA Companies' Motion for Leave to File Reply in Support of the Debtors' Motion for an Order Approving the Settlement Between W.R. Grace & Co. and the CNA Companies Pursuant to Sections 105, 363, 1107, and 1108 of the Bankruptcy Code and Rules 2002, 6004, 9014, and 9019 of the Federal Rules of Bankruptcy Procedure
01/03/2011	26004	Joinder of David T. Austern, Asbestos PI Future Claimants' Representative, and the Official Committee of Asbestos Personal Injury Claimants in Debtors' Motion for an Order Approving Settlement Agreement and Mutual Release with the CNA Companies and

<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
		Debtors' Reply to Objections of the Libby Claimants and BNSF Railway
01/06/2011	26033	Order Granting Debtors' Motion for Leave to File Reply to Objections of the Libby Claimants and BNSF Railway to Debtors' Motion for an Order Approving the Settlement with the CNA Companies
01/06/2011	26039	Reply (Debtors') to Objection of the Libby Claimants and of BNSF Railway to Debtors' Motion for an Order Approving the Settlement Agreement and Mutual Release with the CNA Companies
01/07/2011	26046	Order Granting CNA Companies' Motion for Leave to File Reply in Support of the Debtors' Motion for an Order Approving the Settlement Between W.R. Grace & Co. and the CNA Companies
01/07/2011	26048	Reply Memorandum of the CNA Companies in Support of the Debtors' Motion for an Order Approving the Settlement Between W.R. Grace & Co. and the CNA Companies
01/19/2011	26088	Certification of Counsel Regarding Order on Debtors' Motion for Approval of Settlement Agreement with the CNA Companies
01/20/2011	26100	Certification of Counsel For BNSF Railway Company Regarding Order On Debtors' Motion For Approval Of Settlement Agreement With The CNA Companies
01/20/2011	26101	Certification of Counsel Regarding Order on Debtors' Motion for Approval of Settlement Agreement with the CNA Companies
01/22/2011	26106	Order Pursuant to Sections 105, 363, 1107, and 1108 of the Bankruptcy Code and Rules 2002, 6004, 9014, and 9019 of the Federal Rules of Bankruptcy Procedure Approving the Settlement Agreement Between W.R. Grace & Co. and the CNA Companies
01/24/2011	26108	Transcript Regarding Hearing Held 1/10/2011
01/31/2011	26154	Memorandum Opinion Regarding Objections to

<u>Date</u>	<u>Docket No.</u>	<u>Description</u>
		Confirmation of First Amended Joint Plan or Reorganization and Recommended Supplemental Findings of Fact and Conclusions of Law
01/31/2011	26155	Recommended Findings of Fact, Conclusions of Law and Order Regarding Confirmation of First Amended Joint Plan of Reorganization as Modified Through December 23, 2010
02/15/2011	26289	Order signed 2/15/11 Clarifying Memorandum Opinion and Order Confirming Joint Plan as Amended Through December 23, 2010
<u>Confirmation Trial Exhibit (CNA)</u>		<u>Exhibit Description</u>
CNA019(A)		CNA Primary Policy Continental Casualty Co. CCP902-36-70 6/30/1973 - 06/30/1976 (CONFIDENTIAL)
CNA019(B)		CNA Primary Policy - Continental Casualty Co. CCP 2483440 6/30/1976 - 06/30/1983 (CONFIDENTIAL)
CNA019(C)		CNA Primary Policy - Continental Casualty Co. CCP2483440 6/30/1983 - 6/30/1985 (CONFIDENTIAL)

Dated: February 17, 2011
Wilmington, Delaware

LANDIS RATH & COBB LLP



Adam G. Landis (No. 3407)
Rebecca L. Butcher (No. 3816)
Kerri Mumford (No. 4186)
919 Market Street, Suite 1800
P.O. Box 2087
Wilmington, DE 19801
Telephone: (302) 467-4400
Facsimile: (302) 467-4450

and

Daniel C. Cohn
MURTHA CULLINA, LLP
99 High Street, 20th Floor
Boston, MA 02110
Telephone: (617) 457-4000
Facsimile: (617) 482-3868

Counsel to Libby Claimants